

OIS: [REDACTED]

STATEMENT OF [REDACTED]

DATE: APRIL 7, 2016

POLICE INCIDENT REPORT NO: OIS [REDACTED]

Q: Well, you know what? I'll just kinda run ya through it because, you know what, we've had a lotta people (unintelligible)-

A: Sure, sure.

Q: (Unintelligible). So we're gonna do- sit down and talk to you, again, with your permission-

A: Yeah.

Q: Then, with your, again, with your permission, we'll probably have a tech person come in and deal with you and the video-

A: Okay.

Q: Records.

A: Yeah.

Q: And then you're outta here.

A: Okay. Cool.

Q: Okay. Here's the thing: we don't release people's information in our-

A: Mm-hmm.

Q: Investigation, so, I mean, you don't have to worry about, you know, anybody showin' up at your door, bangin' on the door. That's all your call but it won't-

A: Right.

Q: Come from us-

A: Okay.

GEORGE GASCÓN
DIRECTOR
ALBANY

1 Q: Just so you know.
2 A: Okay.
3 Q: So you're confidentiality is assured on our-
4 A: Okay. Great.
5 Q: Okay?
6 A: Great.
7 Q: And we're gonna, obviously, give you a couple business
8 cards. If-
9 A: Sure.
10 Q: You have questions down the line, anything-
11 A: Yeah, yeah.
12 Q: We can do-
13 A: I'll give you guys a couple of cards as well.
14 Q: I want you to know that call us at any time.
15 A: Uh-huh.
16 Q: Thank you.
17 Q: Thank you.
18 Q: So- and, like, I said, we've done (unintelligible)-
19 A: Yeah.
20 Q: You know what? These things are what they are.
21 A: Yeah.
22 Q: There is a dynamics (unintelligible)-
23 Q: You have to take [REDACTED] You know what? I just got
24 back from vacation, so-
25 Q: That's alright.
26 Q: I don't think you-
27 Q: (Unintelligible).
28 Q: Yeah.

1 A: That's alright. You can write it out on a-
2 Q: (Unintelligible)-
3 A: Five dollar bill if you like.
4 Q: I could-
5 A: No, no, please.
6 Q: And don't mind me (unintelligible).
7 A: Yeah, like San Francisco. (Unintelligible) but thanks.
8 Q: Yeah. And you know what? I've worked with [REDACTED] for the
9 last 14 years, so.
10 Q: Yeah.
11 A: No.
12 Q: Yeah.
13 Q: And, like I said-
14 A: It's like a marriage really.
15 Q: It is. It is like a marriage.
16 Q: We're- like I said, I think with the- just to set the
17 stage a little bit, we're totally cognizant of the dynamics of
18 police shootings and how there's a lotta issues going on and
19 everything like that. And contrary to what people may say, at
20 least from our end, from the homicide investigations- and we do
21 murders. We do officer involved shootings.
22 A: Sure.
23 Q: We do major events. And we don't get involved in the
24 right or wrong aspects of things. It's- we- facts collection,
25 that's in our area.
26 A: Yeah.
27 Q: It's our job and we take it seriously, so, you know
28 what? Feel free to be as candid as-

1 Q: But we're gonna see if there's any criminality involved
2 on-
3 Q: Any (unintelligible).-
4 Q: Either side-
5 A: Yeah. Sure. Sure.
6 Q: So-
7 A: Yeah, yeah, okay.
8 Q: Yeah. Yeah.
9 Q: Sorry. It's a lotta talk,
10 A: No, I understand. No, no, that's alright. It's
11 (unintelligible)-
12 Q: Yeah.
13 A: And with deaths.
14 Q: I'll do the next (unintelligible).
15 Q: Oh sure. Okay. Alright. So, [REDACTED], if I can just
16 start-
17 A: Yes sir.
18 Q: With just the basics, like, your name, date of birth and
19 a phone number and address.
20 A: Sure. [REDACTED], [REDACTED], [REDACTED].
21 Phone number [REDACTED]
22 Q: I'm sorry. One more-
23 A: Oh, [REDACTED], [REDACTED].
24 Q: Yeah, you're- we-re-
25 A: Yeah.
26 Q: Contemporaries. And, I'm sorry [REDACTED], what's it, [REDACTED]
27 A: [REDACTED]
28 Q: Okay. And what's a good number for ya?

1 A: [REDACTED].
2 Q: [REDACTED] I'm sorry. One more time.
3 A: [REDACTED], yeah.
4 Q: Gotcha. Gotcha.
5 A: I thought it was a (unintelligible).
6 Q: Yeah. And [REDACTED]
7 A: [REDACTED]
8 Q: [REDACTED] Gotcha. Thank you. And you-
9 A: It's proper English.
10 Q: And you reside here with someone, I understand?
11 A: I do, yes, my wife [REDACTED]
12 Q: Okay. And I understand she's a witness as well. Right?
13 A: She's not. She heard the sound- well, you tell him. I
14 don't know.
15 Q: Well, you know what? If-
16 [REDACTED]: I (unintelligible).
17 Q: I gotcha. You know what? When we're done with your
18 husband, is it okay if we have a couple words with you? Is that
19 alright?
20 [REDACTED]: (Unintelligible).
21 Q: Oh no, I mean, if that's okay with you. Alright. Thank
22 you ma'am. Alright. Gary?
23 Q: Just tell us what you heard and saw. I mean-
24 A: Yeah.
25 Q: Yeah.
26 A: I was upstairs in the kitchen with [REDACTED] and heard some
27 commotion outside, looked out the kitchen window and saw three
28 officers approaching the suspect sitting against the wall by the

1 garage door in front of the [REDACTED] building.

2 Q: Mm-hmm.

3 A: And both officers had weapons drawn. One had a shotgun,
4 bb shotgun with the orange detailing on it and the-

5 Q: Okay.

6 A: Other had his handgun. And the officer with the
7 shotgun, the pellet gun, shouted several times to get on the
8 ground, to get on the ground, to get on the ground. This guy
9 didn't speak a word of English, unfortunately. And when he
10 didn't do that, the officer with the shotgun shot him three to
11 four times with the pellet gun. And then the suspect turned
12 while he was being shot and took- got shot in the back by the
13 pellets. And then, I believe, the other officer with the handgun
14 shouted at him to- just gave him some command as well. I don't
15 remember what that was. Put it down or something along those
16 lines. And then the suspect turned, got up after being shot by
17 the pellets, and kinda seemed to be demonstrating that he didn't
18 have anything dangerous, like- kinda like this.

19 Q: Put his arms out, basically?

20 A: Kind of, yeah.

21 Q: Alright.

22 A: But he did stand up and he's in the- officers were
23 approaching him. And when he did that, the officer with the
24 handgun shot him five or six times.

25 Q: Okay.

26 Q: [REDACTED] when you say- can you kind of demonstrate what
27 you mean by his arm movements, when you say that he kinda turned
28 and-

1 A: Yeah, he was kinda-

2 Q: What it opened armed or what are we talkin' about here?

3 A: Well, he was kinda, like- he had turned so he was
4 against- he was being- the officers were approaching this way.
5 He seated on the ground. He was turned, taking the shots in the
6 back.

7 Q: So he had his back to the officers?

8 A: Right, after they started shooting him.

9 Q: After.

10 Q: Oh, I understand.

11 Q: Okay.

12 Q: I understand.

13 A: So then after they stopped, that's when he got up and
14 did like this. And he-

15 Q: Okay.

16 A: Definitely got up and he was like this. I mean, he
17 wasn't-

18 Q: Was he holding anything in his hands?

19 A: He was still holding whatever it was that they were
20 telling him to drop.

21 Q: Do you remember which hand?

22 A: I don't.

23 Q: Okay.

24 Q: And-

25 Q: I mean-

26 Q: Can you characterize- I'm sorry Gary. Go-

27 Q: No- and you demonstrated right there some kind of
28 movement, how he-

1 A: Yeah. It wasn't this.

2 Q: Characterize that movement.

3 A: Yeah.

4 Q: Was it-

5 A: It wasn't this or it wasn't, you know, it wasn't-
6 definitely, definitely he seemed to be upset about having been
7 shot by a pellet gun-

8 Q: Right.

9 A: For apparent reason, and he was standing up, gesturing.
10 You know? I- what are you shooting me for? I don't have
11 anything or-

12 Q: Yeah.

13 A: That's- that was my interpretation.

14 Q: But you saw something in his hand. You don't remember
15 what it was or-

16 A: I don't. I saw it out there this morning and I thought
17 it was a- I thought it was- looked like a paddle, like a ping-
18 pong paddle or something. And he's always out there playin'
19 ball. He kicks a ball around all the time and handball and that
20 sort of thing. So, now, the chief told me it was a kitchen
21 knife-

22 Q: Yeah.

23 A: But I didn't recognize it as that. I-

24 Q: Just between the three of us, you know, he doesn't
25 conduct the investigations, so-

26 A: Sure, sure.

27 Q: So we're not exactly sure until we speak to the officers
28 and the other witnesses if-

1 A: Yeah, of course.
2 Q: Does the (unintelligible) have anything in his hands or
3 whatever?
4 A: It looked, it-
5 Q: Yeah.
6 A: Honestly looked like a big, black, square piece of wood-
7 Q: Okay.
8 A: From what I remember.
9 Q: Okay.
10 A: You know?
11 Q: Okay.
12 Q: And we're not tryin' to disparage our-
13 A: Yeah. He came up-
14 Q: Our commander.
15 A: Right.
16 Q: Don't-
17 A: Right.
18 Q: Get me wrong but-
19 A: Yeah.
20 Q: The thing of it is-
21 A: (Unintelligible) chief.
22 Q: We've done these things for quite a long time.
23 A: Yeah.
24 Q: I think we've pointed that out. And people's memories
25 are in conflict quite frequently.
26 A: Oh yeah, sure, sure.
27 Q: And people see different snippets of it and their
28 recollections don't necessarily synch because-

1 A: When I tell a story-

2 Q: That's human nature.

3 A: Right, right.

4 Q: And I think it's, I don't wanna say premature- but you
5 have to be careful about evaluating information from people, from
6 anybody, and even physical evidence until-

7 A: Right.

8 Q: You kinda be able to put it all together.

9 A: Yeah. That-

10 Q: So what the chief said may or may not be the truth.

11 A: Right.

12 Q: Obviously, as we sit here today, we don't know.

13 A: Right, right, right.

14 Q: Just so- I just wanna make that (unintelligible).

15 A: Yeah. And I just- I'm tryin' to say that it just- it
16 didn't look like a shiny kitchen knife to me. It looked like a-

17 Q: No, I get it.

18 A: Black, square piece of wood.

19 Q: Would you characterize- and, again, I don't wanna put
20 words in your mouth.

21 A: Sure.

22 Q: And, obviously, I have a implicit bias, I guess, as a
23 police officer-

24 A: Hmm.

25 Q: Of 26 years. But would you characterize kinda, like-
26 when I looked at your physical, you know, reenactment- so I don't
27 wanna use the word aggressive. Was it abrupt? Was it an abrupt
28 turn toward the officers?

1 A: It was.
2 Q: An abrupt turn?
3 A: It was.
4 Q: Do you think, if you were, perhaps, and someone else-
5 A: Would I feel threatened? Yeah-
6 Q: Yeah?
7 A: I probably would.
8 Q: Mm-hmm.
9 A: I mean-
10 Q: Okay. Hey, I get it.
11 A: Yeah.
12 Q: It's subjective. I totally understand that.
13 A: Yeah. I would.
14 Q: You know?
15 A: It- you know, if- would I feel threatened enough for,
16 you know, the lethal forcing? I don't know. I don't know how I
17 would-
18 Q: And you know what? That's-
19 A: You know, that's-
20 Q: Those are questions that-
21 A: Right.
22 Q: Unfortunately, our legal system addresses. You know?
23 A: Yeah. Yeah, yeah.
24 Q: Yeah.
25 A: I know.
26 Q: And, obviously, there's always a lot of input as to how
27 those decisions are reached and it really isn't our place and,
28 you know-

1 A: Yeah, sure.

2 Q: (Unintelligible).

3 A: Of course, of course, of course. Are there very-

4 Q: You said you are familiar with the individual that you
5 saw out front. Correct?

6 A: I am, yeah.

7 Q: And how many years or months or weeks have you known, at
8 least, or are familiar with him?

9 A: Maybe half a year.

10 Q: Half a year?

11 A: Yeah.

12 Q: And what's his deal, if you don't mind me asking?

13 A: He's homeless. He wanders in and out of the area and he
14 kicks a soccer ball out there, you know, all the time.

15 Q: Have you ever- well, how would you, you know- here's the
16 thing: I'm always try so hard not to be such-

17 A: Characterize him and (unintelligible)?

18 Q: Yeah because I don't wanna put things in your mind.

19 A: You know-

20 Q: How would you characterize his demeanor on any given
21 day?

22 A: That's tough, you know-

23 Q: Yeah?

24 A: 'cause there are days that he's out there and he's
25 yelling at nobody-

26 Q: Right.

27 A: Right, and he's kinda, like, screaming for no apparent
28 reason.

1 Q: Right.

2 A: And then, as I said, we had a barbeque, street barbeque,
3 out there with the neighbors for Easter and we gave him Easter
4 dinner and he was fine. He sweeps up out there.

5 Q: Right.

6 A: He's one of the- having lived on the street 12 years
7 now, you know- there are people out there that do drugs that are
8 rowdy-

9 Q: Sure.

10 A: That break car windows, they get in fights.

11 Q: Yeah.

12 A: He wasn't one of those guys.

13 Q: He's not one of the classic-

14 A: Yeah.

15 Q: Problem people for the-

16 A: Right. Right.

17 Q: Would you- and, you know, you kinda alluded to it again.
18 I don't wanna sit there and put words in your mouth, nor do I
19 wanna make subjective judgments on things I don't know. Is it
20 fair to say that, perhaps, there was some mental issues that-

21 A: Yes.

22 Q: He had some-

23 A: He would go-

24 Q: Not necessarily substance abuse. Is that what I'm
25 hearing that you're sayin'?

26 A: I didn't sense that, no.

27 Q: Okay. So the issues might have been physical versus
28 chemical.

1 A: Yes.
2 Q: Yeah 'cause some-
3 A: Yeah.
4 Q: People, obviously, get crazy because they're doin' too
5 many drugs, drinkin' too much.
6 A: Right. And I just didn't get the sense of that.
7 Q: Oh.
8 A: You know? I never saw him hangin' out with the people
9 over there that are buyin' and sellin' drugs and I never, you
10 know- I just got the sense that he was, you know-
11 Q: Right.
12 A: Down on his luck and-
13 Q: Did he have a-
14 Q: Does he speak English?
15 A: He doesn't.
16 Q: How do you know?
17 A: Because I've tried to talk to him before and we-
18 actually, one of our neighbors speaks Spanish and when we fed him
19 at Easter, you know, she conversed with him in Spanish and he-
20 Q: So he speaks Spanish then?
21 A: Yeah.
22 Q: Let me ask you this: did you hear him say anything?
23 Could you hear anything? I mean, I know you heard the officers.
24 Could you hear him speaking in Spanish or saying anything at all?
25 A: I don't recall.
26 Q: Okay.
27 A: Yeah.
28 Q: Fair enough. Do you remember if the officers were-

1 A: I think he yelled when he got up. I think-

2 Q: (Unintelligible).

3 A: He, you know, (SOUNDS), somethin'. You know? I
4 (unintelligible)-

5 Q: But it wasn't a coherent- I mean, I (unintelligible).

6 A: It wasn't, yeah, it wasn't-

7 Q: Intelligible.

8 A: Yeah.

9 Q: (Unintelligible), intelligible. Did you hear- the
10 officers, I would guess- and, again, now, I'm-

11 Q: Did you hear any commands?

12 A: I did.

13 Q: What?

14 Q: But were they in English?

15 A: They were.

16 Q: Okay. And do you remember specifically- I mean, word- I
17 mean, verbal (unintelligible)?

18 A: Yeah. Get on the ground, get on the ground, get on the
19 ground and then something. I believe drop it. And that's- all
20 the audio, of course, is on the-

21 Q: And, you know what? Obviously we're gonna take a look
22 at that-

23 A: Yeah.

24 Q: Like I said, and in our job, it's interesting to be able
25 to evaluate with someone who's a live witness-

26 A: Sure.

27 Q: And then you look at the physical evidence and see how
28 it matches up. And just so you're not alarmed, very often there

1 are inconsistencies.

2 A: Yeah. Oh, I know.

3 Q: That is the nature-

4 A: I know.

5 Q: Of-

6 A: Right.

7 Q: The human experience.

8 A: It is, yeah.

9 Q: So it's not a big deal. [REDACTED], do you know how many
10 times these commands went on, I mean, the sequence, in terms of
11 tryin' to set up the timeframe of this? The commands went on for
12 quite a while? Were they pretty quick and the shooting occurred?

13 A: This all happened within a minute or less.

14 Q: A minute? One minute?

15 A: Yeah.

16 Q: Do you know how long, at least from your vantage point,
17 the officers were interacting in totality with him, I mean, in
18 terms of minutes? I know time is very difficult.

19 A: Kinda the same-

20 Q: About a minute.

21 A: Amount of time. I mean, they literally walked up,
22 approached him with the gun out- drop- you know, get on the
23 ground, get on the ground, get on the ground, and then I believe
24 they said drop it.

25 Q: And how many officers did you see?

26 A: Three.

27 Q: Three. And you said officer- and just, you know, this
28 is just edification for you. They call it an extended runner's

1 impact weapon, which is the pellet gun that-

2 A: Right.

3 Q: (Unintelligible) suggested. So one officer had that to
4 shock him. It's usually very brightly colored.

5 A: Yeah. It had orange- it had a little orange, plastic-

6 Q: Yeah, (unintelligible).

7 A: Detailing.

8 Q: And you saw one officer or two officers with handguns?

9 A: One officer with a handgun.

10 Q: And how about the third officer, what was he doing?

11 A: I don't know. He-

12 Q: Couldn't see him?

13 A: Was trailing behind or coming up from behind.

14 Q: But he didn't look-

15 Q: Right.

16 Q: Like he had a weapon in his hand?

17 A: He did not, um-um.

18 Q: He was not armed? And how many shots do you think you
19 heard?

20 A: Six.

21 Q: Six? Were they continuous or was there a pause?

22 A: Kind of one, two, three, four- five, six, kinda like
23 that, so somewhat continuous.

24 Q: Is that including the pellet round-

25 A: No.

26 Q: Guns? Okay.

27 A: No.

28 Q: Okay.

1 Q: And how long- and I'm sorry [REDACTED]. Now we're into the
2 pop mode where it's rapid fire stuff but you seem like a sharp
3 guy, so-

4 A: No.

5 Q: You're handlin' it well. If you can estimate the
6 extended range impact weapon (the pellet gun) to when the gun-
7 actual gunfire was, was that- was there a clean break between the
8 two events or did it seem like there were simultaneous?

9 A: There was a break. There was a break but that- the
10 break was when he-

11 Q: Turned around.

12 A: Turned around, stood up.

13 Q: Got you.

14 A: Stood up and turned around.

15 Q: And it's your recollection, from what you saw, that most
16 of the extended range impact weapon (the pellet gun)- those
17 rounds were fired into the individual's back.

18 A: Yes.

19 Q: Yes. And when he turned around, you said saw- I'm just
20 kinda summarizing- you saw something black in his hand. You
21 couldn't really be sure what it was-

22 A: Right.

23 Q: Nor what hand it was.

24 A: Right.

25 Q: Right. And he did a movement that you could
26 characterize as abrupt, perhaps aggressive, but it was difficult
27 to kind of, you know, relate as to what it meant.

28 A: Yeah.

1 Q: Is that-

2 A: Yeah.

3 Q: Fair to say?

4 A: Yup, yeah.

5 Q: And then he made some kind of exclamation; however, it
6 wasn't intelligible.

7 A: I believe so.

8 Q: And you didn't hear this individual say anything.

9 A: No.

10 Q: You heard the officers give commands repeatedly;
11 however, they were in English, if I remember-

12 A: Right.

13 Q: That correctly. The shooting and the interaction, the
14 totality with the officers, was at least a minute but it probably
15 was right around that.

16 A: Yup.

17 Q: There was a pause between the extended range impact
18 weapon (the pellet gun) and the shooting itself. Is that fair to
19 say?

20 A: Yes, very brief pause 'cause as soon as he started-

21 Q: Right.

22 A: Shooting, the guy was, like, (SOUNDS)-

23 Q: Right.

24 A: And then, you know.

25 Q: Let me ask you this? How close do you think the
26 officers were? Can you estimate? You said against the PG&E
27 wall.

28 A: I'd say we're approaching probably- that all started

1 maybe 20 feet away and then-

2 Q: Okay.

3 A: It maybe 12 feet away.

4 Q: Who was-

5 Q: Twelve feet's about the length of that couch.

6 A: Twelve feet-

7 Q: No.

8 A: It's about eight feet. Yeah, that's right. It wasn't
9 12 feet.

10 Q: Well, let's say from table to- okay. Okay. So end of
11 table to the end, then-

12 A: Yeah. Twelve to 15 feet.

13 Q: Okay. So it's pretty close.

14 A: It was pretty close, yeah.

15 Q: Yeah.

16 Q: Would you say that- if I heard you correctly-

17 A: I like a 12-foot couch, by the way.

18 Q: Yeah, so do I. I like the one that has the one that
19 sticks out.

20 Q: Was there any-

21 A: (Unintelligible) was, like-

22 Q: I'm a big guy, yup.

23 Q: Were there any natural barriers between the cops and the
24 subject?

25 A: No.

26 Q: Okay.

27 A: There was a telephone pole off to the right-

28 Q: Okay.

1 A: But that was-

2 Q: If you were gonna characterize the movement, did it look
3 like the person shot was moving toward the officer or the officer
4 was moving towards the person that was shot?

5 A: They were definitely moving towards him. They were
6 constantly moving. In fact-

7 Q: The cops?

8 A: Put it down, put it down, put it down, pop, pop, pop.

9 Q: The cops were moving forward, not necessarily the
10 suspect.

11 Q: When they had the pellet gun.

12 A: When they had the pellet gun.

13 Q: Okay.

14 A: Right.

15 Q: And when the subject was shot by the pellet gun and
16 turned his back and was shot multiple times and he turned around,
17 did he advance towards the cops? You said he turned around and
18 in a manner-

19 A: I wouldn't say advance, I mean, that's the thing. And
20 as soon as he stood up and they're, like, drop it, drop it, you
21 know, he was kinda angry and gesturing and that's when they shot
22 him. So-

23 Q: When you say he was angry and gesturing, define that.

24 A: Well, I don't wanna say- well, he was angry that he was-
25 frustrated that he had been shot in the back for-

26 Q: Right.

27 A: No apparent reason-

28 Q: Well-

1 A: I guess. You know, maybe it's not anger. Maybe it's-
2 Q: It's an assumption.
3 A: He was lookin' at them-
4 Q: No, no.
5 A: What the fuck-
6 Q: Right.
7 A: Thing-
8 Q: Yeah.
9 A: Like, kinda turned around, like, you know.
10 Q: Let me ask you this: so when you said you- and I'm
11 sorry. We're almost done, so-
12 A: Sure.
13 Q: I realize this is a lot and I understand this can be a
14 little stressful too, so- he's against the wall when he's shot at
15 the PG&E building, correct, in the back with the extended range
16 impact pellets?
17 A: Yeah, mm-hmm-
18 Q: So- and I-
19 A: Sitting.
20 Q: Hate to be graphic- sitting. Okay. I have to be
21 graphic but we look at the physical evidence and apparently the
22 blood evidence has him probably closer to the street than the
23 wall. How would you-
24 A: Yeah. I think, I think-
25 Q: Do you know how that might have happened?
26 A: It looked like he fell forward.
27 Q: He fell forward?
28 A: Yeah.

1 Q: Okay. That's (unintelligible). Were the officers on
2 the sidewalk or in the street?

3 A: Both. The officer- I believe the officer with the
4 pellet gun was just on the area next to the tree over there and
5 the other officer was on the street next to him. So they were
6 coming from the street towards him on the sidewalk and they're
7 probably in the process of that.

8 Q: And this is at least, on my end- it's Gary's case, so he
9 might have some questions.

10 Q: No. You ask these questions-

11 Q: I'm gonna ask you-

12 Q: I'm just goin' over what you both said.

13 Q: I'm gonna ask you to-

14 A: Lucky Gary.

15 Q: Well, you know what? Yeah.

16 Q: Right.

17 A: I had-

18 Q: You know what?

19 A: Welcome back man-

20 Q: Yeah.

21 A: From your vacation.

22 Q: (Unintelligible), he can stay.

23 Q: (Unintelligible) is great.

24 Q: I got the poor kid that got shot in the Bayview-

25 A: Oh.

26 Q: Earlier in the year with the several officers
27 (unintelligible).

28 Q: (Unintelligible).

1 A: Right. Yeah, I remember that.

2 Q: That was a tough one, so- so yeah, we're used to dealing
3 with this kinda things. I'm just gonna draw- basically, this is
4 gonna be the sidewalk.

5 A: Uh-huh.

6 Q: And I'll put- this is Shotwell. And I was just
7 wondering if you might be able to kinda, like, just walk us
8 through spatially where- and all I'm doin' is- this is the
9 sidewalk. Kind of a lousy diagram. This is the garage door you
10 had mentioned.

11 A: Okay.

12 Q: And this is Shotwell and this is basically facing north.

13 A: Yeah. So- Luis is his name- Luis was there.

14 Q: Okay.

15 A: And I believe the police car is pulled up here.

16 Q: Right. You can go ahead and draw anything you want, so-
17 yeah.

18 A: The police car is pulled up there.

19 Q: Mm-hmm.

20 A: And then the officers exited-

21 Q: Mm-hmm.

22 A: And started to approach like that.

23 Q: Okay.

24 Q: Two officers.

25 A: Two.

26 Q: Okay.

27 Q: And one with the extended range-

28 A: And I believe there was a second car there and another

1 officer-

2 Q: Okay.

3 A: Was coming up-

4 Q: Okay.

5 A: Behind.

6 Q: Okay.

7 A: And the officer over here had the pellet gun.

8 Q: Uh-huh.

9 Q: Okay.

10 A: And this officer had the firearm.

11 Q: Gotcha.

12 A: And they were moving towards him really constantly-

13 Q: Right.

14 A: So-

15 Q: Closing the distance a little bit?

16 A: Right, mm-hmm.

17 Q: Okay.

18 Q: Was-

19 Q: Was there anybody-

20 Q: Was the suspect-

21 Q: Go ahead Gary.

22 Q: Was the subject shot down upon-

23 A: Yes.

24 Q: Initial contact?

25 A: Yes. Yes.

26 Q: (Unintelligible) [REDACTED], can you just initial next to
27 your name?

28 A: Sure.

1 Q: Did you see anybody else besides the officers and we'll
2 call him Luis. I don't know his name.
3 A: Luis.
4 Q: Yeah, Luis.
5 A: Luis, yeah, Luis.
6 Q: Did you see any, you know, any other pedestrians, any of
7 your neighbors, any of the folks that are livin' in the tents,
8 perhaps, anybody that was in-
9 A: No.
10 Q: Proximity to this?
11 A: No. I mean, the people that are livin' in the tent, I
12 think they came out of the tent when they-
13 Q: After the shots?
14 A: Yeah.
15 Q: Do you know what tent was Luis's?
16 A: He didn't have a tent.
17 Q: He did not have a tent?
18 Q: Do you know where he lived?
19 A: No. He just roamed.
20 Q: Roamed?
21 A: He was just homeless and roamed, yeah.
22 Q: I got you.
23 A: I never saw him sleeping anywhere. He was kinda up a
24 lot at nights and stuff. I take the dog out really early-
25 Q: Yeah.
26 A: In the morning and-
27 Q: I gotcha.
28 A: I mean, like, 5:00 in the morning, he's up.

1 Q: Corduroys. I haven't seen one-
2 A: Yeah.
3 Q: Of those- I haven't seen 'em in a while.
4 A: Yeah, (unintelligible).
5 Q: That's alright. I have several pair, so.
6 A: Yeah? They're
7 Q: They're in fashion John.
8 A: We're bringin' 'em back.
9 Q: Well-
10 Q: They're in fashion.
11 Q: You can see I'm a clothes horse.
12 A: Yeah, yeah. No, I had a job where I wore a suit every
13 day and [REDACTED] complains that I don't wear suits anymore, so.
14 Q: I hear ya.
15 Q: Oh. You know, it's funny, [REDACTED] says the same thing.
16 I hate wearin' suits.
17 A: Yeah.
18 Q: I don't wanna wear 'em.
19 A: (Unintelligible).
20 Q: So you-
21 A: Necktie too.
22 Q: You gotta ask him more questions.
23 A: Hey.
24 Q: So you heard the commotion. I'm just gonna come back to
25 what you said.
26 A: Sure.
27 Q: What you said.
28 Q: So you heard the commotion.

1 A: Looked out the window.
2 Q: Looked out the window, saw the officers arrive-
3 A: Uh-huh.
4 Q: Saw them advance toward Luis-
5 A: Right.
6 Q: I'll call him now-
7 A: Right.
8 Q: One with the pellet gun, one with the handgun?
9 A: Right.
10 Q: Drawn?
11 A: Drawn.
12 Q: Okay. Giving commands?
13 A: Immediately, yes.
14 Q: And those commands were?
15 A: Get on, get on the ground, get on the ground, get on the
16 ground, at first.
17 Q: Anything about dropping anything?
18 A: After he stood up and turned, drop it.
19 Q: Drop it.
20 A: I believe I heard drop it, drop it.
21 Q: Drop it. Okay. And then what happened? And as he
22 approached-
23 A: Well, he didn't really approach but he stood up.
24 Q: The cop-
25 A: Oh-
26 Q: With the pellet gun.
27 A: Yeah. They were both approaching-
28 Q: Yeah.

1 A: And, I mean, it literally took 20 seconds. I mean, it
2 was-

3 Q: It was pretty quick.

4 A: Yeah.

5 Q: Everything was in English?

6 A: Everything was in English.

7 Q: Okay.

8 A: Luis was seated.

9 Q: Seated.

10 Q: Initially.

11 Q: Initially.

12 A: He was seated, leaning against the wall-

13 Q: Okay.

14 A: Really, you know, in a fairly nonthreatening way-

15 Q: Right.

16 A: At the time but-

17 Q: Right. 'cause we don't wanna make any (unintelligible)
18 events right now, so-

19 Q: Yeah.

20 A: No but, I mean, I was-

21 Q: (Unintelligible) even showed up.

22 A: Right. And I was up there-

23 Q: I gotta call ya back. Can you text me?

24 A: Most of the morning. You know? I mean, I spent time
25 out there in the morning and I heard about their kickin' the ball
26 around and stuff. I mean, they're really, you know-

27 Q: Yeah but obviously if we knew the answers to why the
28 police, the uniform officer- we'd tell ya but we don't know

1 (unintelligible).

2 A: Yeah, yeah. No, I know. I know.

3 Q: It's too early for us to even say (unintelligible.

4 A: (Unintelligible) all the way around.

5 Q: In terms of just some technical questions, is your
6 system up to date, timestamps, everything's accurate? I mean-

7 A: Yeah, state of the art.

8 Q: That's good. And it looks good. I-

9 Q: Did it capture the event?

10 A: It did. Yeah, it captured everything-

11 Q: Except him. Right?

12 A: Except him.

13 Q: The guy that got-

14 Q: Except him being shot?

15 A: Except Luis being shot, yeah.

16 Q: Does it-

17 A: It's got him. It's got them approaching. It's got the
18 gunshots.

19 Q: Right.

20 A: It's got-

21 Q: And it's got-

22 A: The officer shooting but it doesn't have his actions,
23 so.

24 Q: Okay.

25 Q: And you're fine with somebody from our agency

26 (unintelligible)?

27 A: Yeah. I mean, I've given it to-

28 Q: I know.

1 A: Two officers already on a thumb drive and
2 (unintelligible).

3 Q: You know what? I'm just gonna apologize-

4 A: Oh yeah, sure.

5 Q: One more time.

6 Q: But that's-

7 A: Oh, that's the one?

8 Q: I think so.

9 A: Okay.

10 Q: Yeah.

11 Q: I just wanna apologize one more time because, you know,
12 hopefully we'll be the last people you deal with except for the
13 video guy but these things-

14 A: I wouldn't bet on it.

15 Q: Exact- I'm- yeah, you, pretty much, summed it up.

16 A: Yeah.

17 Q: And I apologize for that. Do you have any questions,
18 [REDACTED], for us?

19 A: I don't really. I mean, you know, if- someday if I get
20 approached by somebody and they wanna talk about this and they're
21 from the media, I mean, what is-

22 Q: It's not gonna come from us.

23 A: Yeah but, I mean, you know, (unintelligible)-

24 Q: It's up to you if you wanna talk to the media.

25 Q: It's entirely your call.

26 Q: Wanna think about it a little bit?

27 A: Yeah.

28 Q: San Francisco Police would like to offer you our

1 | behavior science support. It's-

2 | A: Yeah.

3 | Q: Okay, of which you can contact me or John for the
4 | number. We can give you a number. They can come and- they'll
5 | come here in concert if you wanna sit down, talk about it. It's
6 | just a- like, a clinical psychiatrist.

7 | Q: (Unintelligible).

8 | A: Yeah.

9 | Q: We're tryin' to-

10 | Q: You know, because-

11 | Q: (Unintelligible).

12 | Q: Obviously, what you saw was a traumatic event. It's
13 | not-

14 | A: Yeah. I-

15 | Q: Somethin' you see every day.

16 | A: I mean, not to be weird or anything-

17 | Q: No.

18 | A: But I turned away and-

19 | Q: (Unintelligible).

20 | A: Started to cry.

21 | Q: Right.

22 | A: It was like a really weird-

23 | Q: Yeah.

24 | A: Thing, so.

25 | Q: You know what? It's-

26 | Q: So-

27 | Q: It's not an easy thing.

28 | Q: Please get in touch with this, if you-

1 A: Alright.

2 Q: Want that service.

3 Q: And you know what? In terms of how you handle, you
4 know, your course of action going forward, obviously that video
5 is proprietary to you, so you-

6 A: Sure.

7 Q: Do what you feel you need to do with that, in terms of
8 who you speak to. It's entirely your call as well. We can't
9 thank you enough for bein' honest, straightforward and doing-

10 A: Any kind of rule of thumb there though? I mean, is it
11 somethin' I shouldn't-

12 Q: I tell ya this: you might be careful there because they
13 take on a life of its own and people like to make a lotta value
14 judgments about these things and stuff. (Unintelligible)-

15 Q: I think you know what's goin' on right now-

16 A: Yeah.

17 Q: In the-

18 A: International.

19 Q: Local and national media.

20 Q: People-

21 A: Right.

22 Q: Could end up exploiting your family for whatever agenda
23 that'd be. I'm not even gonna say it wouldn't be the cop. I
24 mean, it could be anybody.

25 A: Yeah, yeah, sure.

26 Q: You just have to be careful that people might not have,
27 you know- your family's interests might not be what's important
28 to them, whoever those people may be and I won't even say- it

1 | could be anybody.

2 | A: Yeah, yeah.

3 | Q: You know? And we've seen that happen, is what I'm
4 | gettin' at, so.

5 | A: Okay.

6 | Q: Yeah.

7 | Q: And that's entirely- you're obviously an educated, sharp
8 | person. I'm sure you can make a value decision on that.

9 | A: Sure.

10 | Q: You mind if we speak to your [REDACTED]?

11 | A: No, no, no.

12 | Q: Okay. Yeah, you know what you said about lookin' away
13 | and (unintelligible) said that he's (unintelligible)? He's been
14 | in a lotta (unintelligible) crazy situations. Veteran police
15 | officers, everybody gets upset. To see someone-

16 | A: Yeah.

17 | Q: Lose their life, I don't care what the circumstances,
18 | it's a horrific experience and it's not anything anybody-

19 | A: Yeah.

20 | Q: (Unintelligible).

21 | A: It just kinda, you know- and then the fact that we kinda
22 | had known him and befriended him-

23 | Q: Right.

24 | A: And we're nice to him and, you know, and all that stuff.
25 | You know? I mean, it's a- makes it kinda more personal than it
26 | would be otherwise but, I mean-

27 | Q: Of course.

28 | A: You know- so there's that, so.

1 Q: I just wanna-

2 A: Alright.

3 Q: Thank you.

4 Q: Again-

5 A: Yeah, sure guys.

6 Q: I just wanna point out how bad modern life- END OF

7 INTERVIEW.

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